



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

LHE/JAM/GSM  
F. #2018R01064

*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 24, 2023

By ECF

The Hon. Diane Gujarati  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. David Gentile, et al.  
Criminal Docket No. 21-54 (DG)

Dear Judge Gujarati:

The government respectfully submits this letter pursuant to the Court's February 13, 2023 oral order directing the parties to inform the Court of their availability for trial in the above-captioned matter.

The parties would all be available to start trial on March 18, 2024. The parties would also be available for trial starting November 27, 2023 or in June 2024. These dates would avoid conflicting with other scheduled trials in which the various attorneys assigned to this matter are already engaged. The government estimates that its case-in-chief will take three to four weeks. Counsel to Gentile and Schneider advise they estimate a trial that is four to six weeks in length.

Of the dates the parties are available, Messrs. Schneider and Gentile respectfully request that the Court set trial no earlier than March 2024 to allow them additional time to prepare for trial, resolve any outstanding discovery issues, and accommodate various counsel's trial schedules.

As this Court is aware, it is Mr. Schneider's position that he and his counsel were forced to substantially curtail trial preparation for a substantial period of time while Mr. Schneider attempted to resolve his right to advancement of legal fees through negotiation and when that failed through litigation in Delaware.<sup>1</sup> Further, a November 2023 trial date could

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<sup>1</sup> The Delaware Court orders requiring advancement of Mr. Schneider's legal fees were entered in March and April of 2022 and the first advancement thereunder was not made

render a critical member of Mr. Schneider's defense team unavailable due to a previously scheduled trial currently on the calendar for December 2023.

Moreover, it is Messrs. Schneider and Gentile's position that while the parties have been working collaboratively to resolve the numerous technical issues that affect the defense's ability to search and review the more than 8.6 million documents produced by the government, those issues are not yet resolved, and a March 2024 trial date will afford more time to work on those issues and ensure sufficient time to review.

Contrary to the defense position, the government anticipates that the outstanding e-discovery issues discussed at our most recent conference will soon be resolved and that either date would afford sufficient time for review of the materials and prefers the November 2023 date, which better accommodates the trial schedule of one of the assigned Assistant United States Attorneys.

Counsel to defendant Mr. Lash have no objection to any of the proposed dates.

Should none of these dates be available on the Court calendar, the parties are happy to discuss alternatives.

Respectfully submitted,

BREON PEACE  
United States Attorney

By: /s/ Lauren Howard Elbert  
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cc: Defense counsel (by ECF)

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until May of 2022. Thus, it was not until May of 2022 that Mr. Schneider and his team could be confident of the resources available for conducting his defense – approximately 14 months after the case was unsealed. Moreover, by that time, substantial attention needed to be paid by Mr. Schneider's counsel to preparing and litigating the motions required to be filed in September of 2022.